

OCT 26 2015

JOINT RESOLUTION NO. 15028*Austin Township 2015-04*

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY
OF AUSTIN AND THE TOWNSHIP OF AUSTIN
PURSUANT TO MINNESOTA STATUTES §414.0325**

WHEREAS, the City of Austin and the Township of Austin designate for orderly annexation, the following described lands located within the Township of Austin, County of Mower, Minnesota:

LEGAL DESCRIPTION (SEE ATTACHED EXHIBIT "A")

and,

WHEREAS, the City of Austin (the "City") and the Township of Austin (the "Township") are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes §414.0325 provides a procedure whereby the City and the Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, on July 24, 2015 and on August 4, 2015 the City of Austin and Austin Township, respectively, published a Notice of Intent to Designate an Area pursuant to the requirements of Minnesota Statutes §414.0325 Subd. 1b; and

WHEREAS, the City and the Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings - Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within 30 days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Austin and the Township Board of the Township of Austin as follows:

1. That the following described lands in the Township of Austin are subject to orderly annexation pursuant to Minnesota Statutes §414.0325, and that the parties hereto designate those areas for orderly annexation, as follows:

LEGAL DESCRIPTION (SEE ATTACHED EXHIBIT "A")

2. That the designated area consists of approximately 140 acres, the population in the subject area is approximately 100, and the land type is primarily low density residential with some undeveloped agricultural and wetlands.

3. That the Township does, upon passage of this resolution and its adoption by the City Council of the City of Austin, and upon acceptance by the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon Municipal Boundary Adjustments so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. That the above-described property is urban or suburban or about to become so, and since the City is capable of providing municipal sanitary sewer services to this area within a reasonable time, the annexation would be in the best interest of the area.

5. Local Procedure – The parties will follow such procedures as may be required by MN Statute §414.0325 as under the circumstances.

6. The tax capacity rate applicable to the property after annexation shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Austin. Minn. Stat. Sec. §414.035 (1-6 years)

7. Municipal Reimbursement to Township. The City shall reimburse the Township for the taxable property of parcels lost to annexation for a period of six (6) years following the last year in which the Township would receive real estate for this property following annexation, and shall be paid according to the schedule as follows:

Year 1:	100% of the Real Estate Tax paid to the Township in the year of annexation			
Year 2:	80%	"	"	"
Year 3:	60%	"	"	"
Year 4:	40%	"	"	"
Year 5:	20%	"	"	"
Year 6:	10%	"	"	"
Year 7 and thereafter	0%	"	"	"

8. The City and the Township agree that upon receipt of this resolution, passed and adopted by each party, the Office of Administrative hearings/Municipal Boundary Adjustments, or its successor, may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this resolution.

9. Connection to Municipal Sanitary Sewer System

- Parcels with non-compliant private septic systems –
Owners shall have until December 31, 2016, to connect to the sewer system or when connections are available, whichever is later.
- Owners with compliant systems –
Owners shall have up to 10 years from the completion of the sewer project to connect provided the following conditions are met:

Owners must provide a Certificate of Compliance (COC) to Mower County Environmental Services, if not currently on file, and keep their COC current (continue to renew) until the property is connected to City sewer.
- Compliance of existing private septic systems shall be administered by Mower County Environmental Services Department in accordance with MPCA and Mower County standards.

10. Owners will either be assessed or charged a municipal sanitary connection fee for the costs associated with the construction of this sanitary sewer project.

11. Annexation shall become effective January 1, 2016.

12. (Zoning Designation). The real estate described shall be zoned "R-1" Single-Family Residence District, excepting parcel 02.002.0080 known as the Schrafel Wildlife Management Area, which shall be zoned "A-1" Agriculture, Recreation and Conservation.

(See Attached Legal Description, Exhibit "B" for "A-1" zoning purposes only).

Adopted by affirmative vote of all the members of the Austin Township Board of Supervisors this 17th day of August, 2015.

TOWNSHIP OF AUSTIN

By: Dennis Bray
Chairperson
Board of Supervisors

By: Connie Holbeck
Clerk
Austin Township

Adopted by affirmative vote of the City Council of Austin, this 17th day of August, 2015.

YEAS 6

NAYS 0

CITY OF AUSTIN
By: Thomas Add
Mayor

ATTEST:
By: Tamie Dant
City Recorder

Approved this 17th day of August, 2015

A RESOLUTION AMENDING AND SUBSTITUTING A NEW EXHIBIT "A" (LEGAL DESCRIPTION) ATTACHED TO RESOLUTION NO. 15028 (AUSTIN TOWNSHIP 2015-04) REGARDING THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY OF AUSTIN AND THE TOWNSHIP OF AUSTIN PURSUANT TO MINNESOTA STATUTES §414.0325

WHEREAS, the City of Austin and Township of Austin previously passed Resolution 15028 (2015-4) for orderly annexation, and

WHEREAS, the owner of a non-contiguous parcel elected to be removed from the project. As a result, the legally described area has been amended herein, as indicated in the legal description and survey attached as Revised Exhibit "A";

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Austin and the Township Board of the Township of Austin as follows:

1. That Resolution 15028 shall be amended by substituting the attached Revised Exhibit "A" for the original Exhibit "A".

Adopted by affirmative vote of all the members of the Austin Township Board of Supervisors this 5 day of October, 2015.

TOWNSHIP OF AUSTIN

YEAS 3

NAYS 0

By:

Dennis Bray
Chairperson
Board of Supervisors

By:

Connie Kelsch
Clerk
Austin Township

Adopted by affirmative vote of the City Council of Austin, this 21st day of September, 2015.

YEAS 6

NAYS 0

CITY OF AUSTIN

By:

Thomas A. Kelly
Mayor

ATTEST:

By:

Tom Doherty
City Recorder

Approved this 21st day of September, 2015

EXHIBIT "A"

REC'D BY
MBA

OCT 26 2015

July 9, 2015
REVISED September 1, 2015

DESCRIPTION FOR ANNEXATION PURPOSES IN W1/2 NW1/4 SECTION 5 & NE1/4 SECTION 6-T102N-R18W MOWER COUNTY, MN

CITY OF AUSTIN

All that part of the W1/2 NW1/4 Section 5 and the NE1/4 Section 6-T102N-R18W, Mower County, Minnesota; described as follows:

Beginning at the southeast corner of the NE1/4 of said Section 6;

thence North 89°17'11" East a distance of 1326.04 feet, on the south line of the NW1/4 of said Section 5, to the southeast corner of the W1/2 NW1/4 of said Section 5;

thence North 00°25'44" West a distance of 1133 feet more or less, on the east line of said W1/2 NW1/4, to a point on the southwesterly line of Turtle Creek Estates, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Southwesterly, Westerly and Northwesterly a distance of 2297 feet more or less, on the southwesterly line of said Turtle Creek Estates, to a point on the east line of said NE1/4;

thence North 00°12'16" West a distance of 150 feet more or less, on the east line of said NE1/4, to the northeast corner of said NE1/4;

thence South 89°04'45" West a distance of 1323.14 feet, on the north line of said NE1/4, to the northeast corner of the NW1/4 NE1/4 of said Section 6;

thence South 00°13'27" East a distance of 828.23 feet, on the east line of said NW1/4 NE1/4;

thence South 89°09'42" West a distance of 332.78 feet, parallel with the south line of said NE1/4;

thence South 00°14'38" East a distance of 1320.00 feet, parallel with the west line of said NE1/4;

thence South 89°09'42" West a distance of 330.00 feet, parallel with the south line of said NE1/4;

thence South 00°14'38" East a distance of 495.03 feet, parallel with the west line of said NE1/4, to the south line of said NE1/4;

thence North 89°09'42" East a distance of 1984.37 feet, on the south line of said NE1/4, to the point of beginning;

subject to highway easement on the south side thereof.

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Our Job 15-281

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



Steven J. Thompson

Date:

L.S. No. 22705



**JONES
HAUGH
SMITH**
Engineers + Surveyors

515 S. Washington Avenue
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598

REC'D BY
MBA

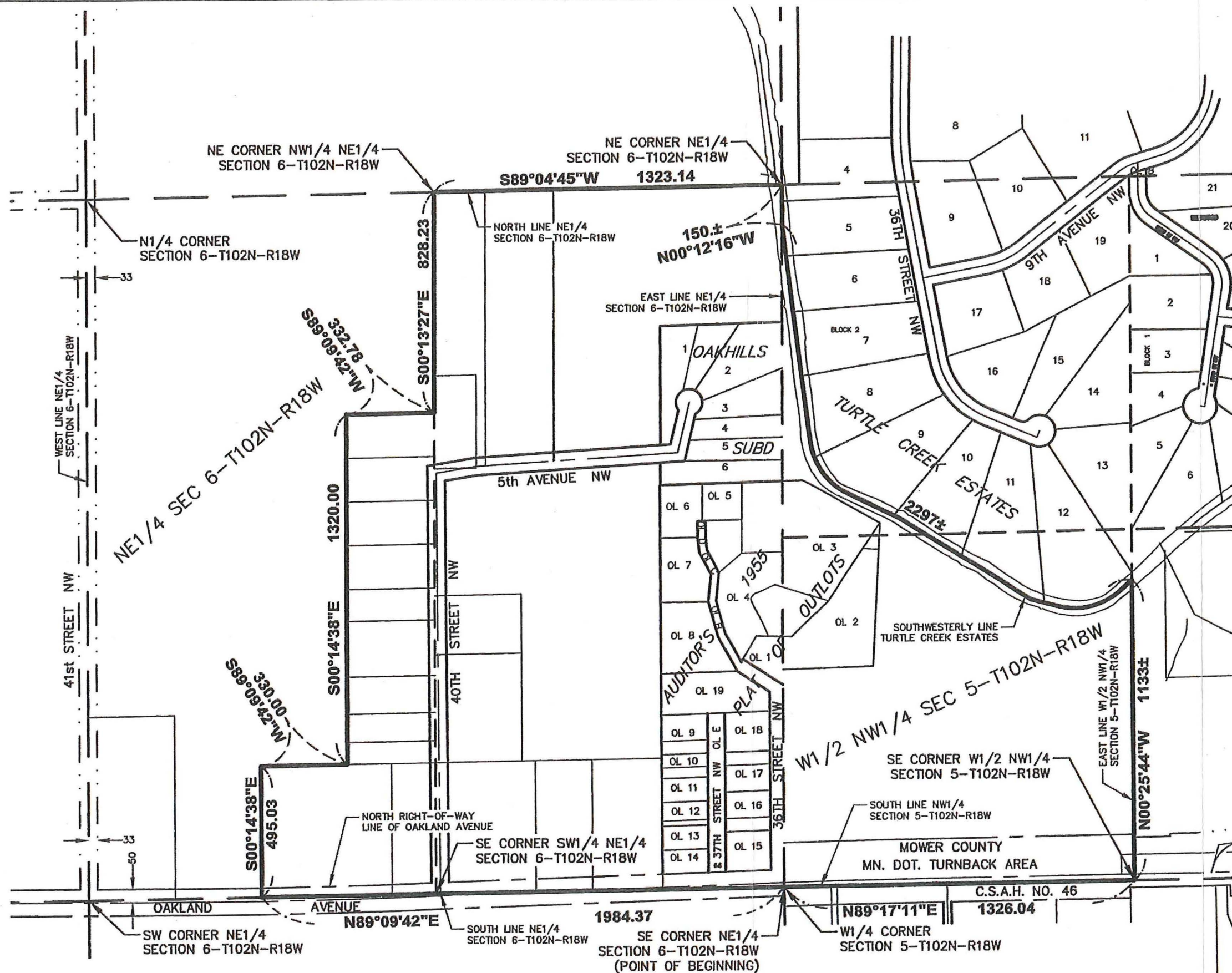
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Exhibit "B"
Legal Description of Schrafel Wildlife Management Area

The Southwest Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West, EXCEPTING therefrom all that part lying North of Judicial Ditch Number One, and EXCEPT a parcel of land in the Northwest corner containing four acres described more particularly as follows: Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said section; thence running East on the quarter-quarter line 21 and 1/3 rods, thence South parallel with the West line 30 rods, thence West parallel with said North line 21 and 1/3 rods, thence North on said section line 30 rods to the place of beginning, AND EXCEPT land taken for highway purposes (Book 1 of Misc., pages 196-213) consisting of 3.06 acres. Said premises containing 30.94 acres more or less. This transfer is subject to the condition that the State of Minnesota maintain this property as a wildlife preserve.

**W1/2 NW1/4 SECTION 5 & NE1/4 SECTION 6-T102N-R18W
MOWER COUNTY, MINNESOTA**

OCT 26 2015



0 200 400 600
SCALE IN FEET

LOCATION MAP

Date: 7/7/2015
Drawn by: MDH
Field Book:-
Coord-System: MNDOT CO. NAD83 (96)
Job No: 15-281
Revised date: 9/1/2015
Survey:-
Page 1 of 2

AREA SUMMARY:

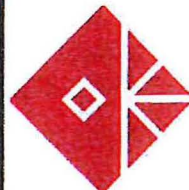
AREA SUMMARY:
TOTAL AREA = 137.68± ACRES

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson

L.S. No. 22705

**JONES
HAUGH
SMITH**
Engineers + Surveyors



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